
United Nations Security Council Powers, Practice, and Effectiveness Of Security Council

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Abstract

The United Nations Security Council (UNSC) is one of the principal organs of the United Nations. According to article 24 of the UN Charter, the foundational treaty of the United Nations, the UN Member States have conferred the primary responsibility of maintenance of international peace and security to the Security Council and have agreed that this body, in order to carry on this duty, acts on their behalf. The Member States have agreed to accept and carry out the decisions of the Security Council through article 25 of the Charter². While other organs of the United Nations can only make recommendations to governments, the UNSC is the only organ capable of issuing resolutions that are legally binding on all Member States. The Charter was prepared as well as the facts of international life gave assurance that the peace and security provisions of the Charter would reflect the special interests of the major powers and would be based upon a full recognition of the importance of the power factor in international relations

The study is employed with the doctrinal method of approach United Nations Security Council Powers, Practice, and Effectiveness of Security Council.

Keywords: *Security Council, UN, Peace and Security, Veto Power.*

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1.0 INTRODUCTION:

The process of international common spirit and unity remained in growth though the times have seen lawlessness and discord. In 1305 A.C a plan was proposed for an alliance of the Christian Powers by Pierre Qubies, A French Lawyer. He pleaded for the establishment of a permanent court of arbitration for the settlement of disputes among the members of the alliance, though the same failed to be defective for want of adequate machinery for interstate cooperation. Another league known as the Hanseatic league was formed in 1315 which was a kind of political organization formed for the promotion of trade. In the process, many important steps in the development and establishment of international organizations have taken place in the past such as the Grand Design 1603 a scheme of the Duke of Sully. The Peace Treaty of Westphalia in the year which legalized. The new order of European International relations, another treaty known as the peace of Utrecht, 1713 which furthered the creation of several sovereignties, the congress of Vienna held in Sept 1814 and June 1815 to answer the claim of nearly every state of Europe and efforts were made to abolish slavery, the opening of international boundaries to commerce for signatory states who pledged to regulate by common consent regarding navigation. Considerable development of international organization achieved through this congress as the allies consented to enforce the peace despite hostilities for periodic conferences and maintenance of peace on big powers collaborations. Resultantly, it contributed to a major organ of modern international organization i.e. executive council of the great powers. The international peace conferences held at Hague in 1899 and 1907 were notable as major diplomatic gatherings convoked in time of peace with the involvement of a variety of subjects like the business of international relations. The leading feature of the Hague system its approach toward universality. The Hague approach was a call of intention to the reality of global and to the problem of peace and thus rendered valuable service in calling attentions to the fact there are difficult problem of international organization itself. Thereafter

public International Unions served a lot for the global unity and co-operation. Once world is in some respects on ideal and an aspiration boom of modern, interpretations of ancient moral insights and of rational estimates of the requirements of human survival, it is in other respect a pressing reality, an actual condition of mankind produced by a century of change that has tied all the peoples of the earth together in an unprecedented intimacy of contact, Interdependence of welfare and mutability of Vulnerability.³ Whether or not we obey the region's injection to behave like brothers or attain the ethical objective of a peaceful world community, we human beings cannot escape the hard fact that all of us are, as John Donne put it "involved in Mankind." Given the existence of one world defined as a set of objective conditions, disaster may be the price of failure to achieve one world defined in terms of a moral and political ideal.⁴

INITIAL EFFORTS

The development of the idea of international organization can be traced back to the earliest of recorded history. In countries like China, India, Mesopotamia, and Egypt contracts between rulers, and Kingdoms were not uncommon. There were a fair agreement on diplomatic practices commercial relations treaties of alliances codes of warfare and terms of peace. Man gone has observed that "the treaties of the past are the first steps towards international organization". Even amongst the Greeks treaties, alliances diplomatic practices and services arbitration and other methods of peaceful settlement of disputes, rules of war and peace leagues and confederations and other means for regulating interstate relations were well known and widely used⁵

³ Relentless violation of international humanitarian law during the ... (no date). Available at: https://www.researchgate.net/publication/357994013_Relentless_Violation_of_International_Humanitarian_Law_During_the_Ongoing_Conflict_in_Afghanistan (Accessed: February 1, 2023).

⁴ Claude - "Swords into Plowshares" Published by Anupama Publications, (1987), p. 3.

⁵⁵ L.N. Srivastava - "A Simple Book of International Organization", published by Surjeet Book Depot., (1973), pp.5-9.

The development of the idea of international organization as follows -

THE AMPHICTYONIC LEAGUE OF THE GREEKS 6TH B.C.

This league was formed with the objective of creating international unity and avoiding war.

This league, though could not out war laid down the rule that the frightfulness in the war was to be avoided.

1.1 Delos: 477 B.C.

In 477 B.C. confederation Delos composed the maritime state of Asia Minor Aegean Island.

The Cyclades, Euboea and many other city states on the shores of Thrace and propoines was formed. The member state provided for a common navy by making contributions of ships and men.

1.2 The Achaean League of the Hellenes

This league was formed by the Greeks. In this league, they had about 70 member states which enjoyed full autonomy. It must be observed that these confederations of ancient Greece were confined to the race the Greeks and the outside nations were not admitted as members.

1.3 Roman Contribution

The Romans made a different contribution to the growth of international organizations. Though the idea of international organization was foreign to the Romans they nonetheless contributed legal military and administrative techniques and provided to the basis of the "*Jus Gentium*" which in later centuries became an important source of international law. However, in one respect of the Roman experience marked an advance over the Greek experience is as much "as it consisted of many races and nationalities."⁶

⁶ Relentless violation of international humanitarian law during the ... (no date). Available at: https://www.researchgate.net/publication/357994013_Relentless_Violation_of_International_Humanitarian_Law_During_the_Ongoing_Conflict_in_Afghanistan (Accessed: February 1, 2023).

1.4 The Alliance of the Christian Powers: 1305

After the decline of the Roman Empire, the continent of Europe once again relapsed into lawlessness and discord. Efforts were made by Charle Magire to bring some order in an otherwise mad world, but these were short-lived. In 1305 Pierre Qubies a French Lawyer proposed a plan for an alliance of the Christian powers. He pleaded for the establishment of a permanent court of arbitration for the settlement of differences between the members of the alliance. The plan was defective in so far as it failed to provide adequate machinery for inter-state cooperation. In short, throughout the middle age alliances and associations of political commercial and religious areas and groups were often formed.

1.5 The Hanseatic League; 1315

The association formed for the promotion of trade, which was also a kind of political organization was the Hanseatic League. Another example of the famous confederation which became the nucleus of the modern state of Switzerland was a treaty among the Swiss cantons of Uri, Schwyz and Ulter Walden.

1.6 The Grand Design: 1603

The next multi-stone on the road of the development of international organization was the scheme of Duke of Sully proposed in 1603. This is also known as "The Grand Design" of Henry IV it envisaged the Christian Republic of 15 states to eliminate war and effect settlement of the dispute by peaceful means. The Scheme failed because it was a little too radical. It was also very narrow because it concentrated on the European states and their affairs and could not be by any means a plan for universal peace.

1.7 The Peace Treaty of Westphalia -1648

This treaty was the next important step in the establishment of an international organization. Although no international organization was established by the Peace of Westphalia and no consideration was given to the economic and social distress left in the territories wasted by the

havoc of warfare. Many felt that the joining of practically every European state in a diplomatic conference signaled the opening of a new era in international assembly. "The Congress of Westphalia little resembles to the intricate organization of twentieth-century" peace conferences. No officer presided; no committees were formed; no votes were taken. But the cities of negotiators along the route between Münster and Osnabrück were neutralized from the war while both Papal Nuncio Chigi and Ambassador Contarini of Venice acted as mediators for the plenipotentiaries in Münster of the greatest importance to an international organization, however, in a diplomatic conference which represented practically every political interest in Europe and the achievement by negotiation rather than by the dictation of two great multilateral treaties which legalized the new order of European international relations.⁷

1.8 The Peace of Utrecht: 1713

This treaty was another important step in the direction of establishing an international organization. The treaty shattered imperial aspirations and furthered the creation of several independent sovereignties. Three new dynasties received international sanction viz Protestant succession to the British throne was recognized by France, and the Elector of Brandenburg took the title of Prussia. Naples was also proclaimed the king of Sicily.

1.9 The Congress of Vienna: Sep. 1814 and June 1815

The Congress of Vienna marks the next important step in the direction of the development of the international organization. This congress is significant because unlike Westphalia and Utrecht. The deputies at Vienna met in a time of peace to answer the claims of nearly every state of Europe. Prof. Mangone has observed that by comparison with the pre-Napoleonic International gatherings the Congress of Vienna made some remarkable advances towards the international organization in the extent of (a) its political settlement (b) the diversity of

⁷ Mangone Gerard J, "A short history of International organization", Published by New York McGraw Hill, (1954), p. 22

economic-social problems treated, (c) the procedure of the congress itself. Apart from conforming France to its original boundaries, the settlement restored territories to different countries which had been over-run by Napoleon. The neutrality of Switzerland was affirmed.

1.10 Development in 19th Century

The first of the three major streams of development whose rise may be traced to the nineteenth century is the system of multilateral, high-level, political conferences. Diplomacy: The traditional technique for conduct international affairs was essentially a bilateral phenomenon, involving occasional consultation and negotiation between two sovereigns or their representative's larger-scale gatherings managers of foreign relating were not unknown before the nineteenth century and the idea of such conferences had a respectable age. Thus, Hugo Grotius, the so-called father of international law, opined in 1625 that: "It would be advantageous, indeed in a degree necessary, to hold certain conference of Christian powers, where those who have no interest at state may settle the disputes of others and where, in fact, steps may be taken to compel parties to accept peace on fair terms"⁸

Post The congress of Vienna in 1815 initiated a series of development that made it visible to speak of a nineteenth-century conference system without precedent in the modern world. This development involved a great deal more than the mere multiplication of multilateral convocations. A major feature of the unsystematic system was the frank assumption by the most powerful states, the term "great power" took on definite meaning and became something like a formally established category after 1815.⁹ The concert of Europe was an exclusive club for great powers, whose members were self-appointed guardians of the European Community

⁸ H. Lauterpacht, "The Function of Law in the International Community", Published by Oxford: Calrendon Press, (1933) p. 7.

⁹ The recognition and legitimacy of the Taliban government: A conundrum ... (no date). Available at: https://www.researchgate.net/publication/361993438_The_Recognition_and_Legitimacy_of_the_Taliban_Government_A_Conundrum_in_International_law (Accessed: February 1, 2023).

and executive directors of its affairs. They sometimes admitted European small fry to their splendid presence and occasionally failed to dominate the scene as completely as they wished, but they left no room for doubt that the concert of the great powers.

Before the nineteenth century Europe was not preoccupied with the sovereign dignity that they were virtually unable to do anything more at international conferences than argue about questions of precedence and prestige. In planning for a peaceful European order William Penn felt compelled to stipulate that sovereigns should meet in a round room with many doors so that substantive discussions should not be delayed by long arguments about who should have the privilege of entering first into the room. Rousseau described the international conference as places "where we deliberate in common council whether the table will be round or square, whether the hall will have more doors or less, whether such and such a plenipotentiary will have his face or back turned toward the window."

1.11 The Hague System

A new sort of international conclave was instituted at The Hague in 1899 and 1907. The conscious construction of a distinctive "Hague System" of international relations was interrupted all too soon by the outbreak of world war but the beginning that had been made was significant enough to figure as one of the major contributions of the nineteenth century to the present day world organization. The two "International Peace Conferences" held at the Hague, under initial impetus provided by Czar Nicholas II of Russia, was notable as major diplomatic gatherings convoked in time of peace to deal with a variety of subjects involved in the business of international relations. Although the original motivations behind the Hague conferences were questionable. (It has been alleged that the Czar was actuated less by sincere desire to promote peace than by worry about Russia's financial disadvantage in the armaments competition) and their immediate results were not universally regarded as promising (the London Times held that the conference of 1907 "was a sham and has brought forth a progeny

of shams, because it was founded on a sham,⁹ it is clear that The Hague meetings were envisaged as steps toward a more adequate organization of the state system and it is. From that point of view that they will, be discussed other. This aspect of The Hague conferences was emphasized by the attention which was given to the task of institution-building for our purposes the primary historical importance of the meeting of 1899 and 1907 lies in the fact that a major concern of the participant was to "create" devices and agencies which would be permanently at the disposal of states.

WORLD WAR I - BIRTH OF THE LEAGUE OF NATIONS

The immediate origins of the League of Nations are to be found in the development of both private and public schemes during the world war 1st of 1914-1918, particularly in the United States which took place at parts as a part of the diplomatic enterprise of bringing the war to a formal conclusion. Unofficial consideration of the possibility of making a great new experiment in international organization flourished during the years of hostilities, under the leadership of such groups of prominent and influential citizens as those who united in the league to Enforce Peace in the United in the League of Nations Society in Britain.tes and Great Britain and in the negotiations.

In the American Senate covenant and the treaties of which it was a part ran into irreconcilable opposition. Several groups of amendments "were offered but to no avail and in the 'end the senate rejected both the league and the proposed peace settlement. Despite this rejection the covenant was adopted by enough nations so that on January 10, 1920, it went into force. The membership of League of Nations was shifting matter, as new members were admitted from the time to time and old ones withdraw.¹⁰ During most of the league's history

¹⁰ Analysis of the United States' liability for war crime in Afghanistan (no date). Available at: https://www.researchgate.net/publication/361631042_Analysis_of_the_United_States'_Liability_for_War_Crime_in_Afghanistan (Accessed: February 1, 2023).

the total membership was somewhere in the middle fifties, as 'of December 31, 1938, there were fifty-eight states in the organization. Among the great powers, Germany was admitted in 1926 and in 1933 she gave notice of other intentions to withdraw. Russia was admitted in 1934 and .in 1940 the council voted to expel her. A large number of withdrawals in 1938 and 1939 and the extinction of other members by conquest (Australia and Ethiopia) reduced the membership to forty-nine by the time world war broke out.¹¹

The organization of the league included an Assembly, a council, a secretariat, and a number of auxiliary organizations of a technical nature (such as the Health Organization, the permanent Mandates commission, and 'the Intellectual Co-operation Organization); The International labor organization and the Permanent" Court of International Justice were not parts of the league of nations, but there were several points of contact; between three organizations, as for instance in financial matters where all were taken care of by -the same budget¹²

THE ASSEMBLY

The Assembly of the league was the representative organ to which all members sent delegations with each entitled to one vote. It met for its regular session at Geneva in September of every year, and it met occasionally in extraordinary sessions. The president of the Assembly was elected by that body at the beginning of each regular session. There were six principal committees through which much of the work of the organ was done -

(a) Legal and Constitutional Questions

(b) Technical Organizations

(c) Reduction of armaments

¹¹ Analysis of the United States' liability for war crime in Afghanistan (no date). Available at: https://www.researchgate.net/publication/361631042_Analysis_of_the_United_States'_Liability_for_War_Crime_in_Afghanistan (Accessed: February 1, 2023).

¹² Norman Hill "International Organization" Published by Harper and Brothers, New York,(1952), pp. 37-45

*(d) Budgetary Questions**(e) Social and General Questions G. Political Questions*

The Assembly was authorized "To deal at its meeting with any matters within the sphere of action of the league or affecting the peace of the world. It exercised electoral function in several instances, approving the. appointment of secretary General, electing judges to the Permanent Court of International Justice (with the council), and electing non-permanent members of 'the' council, one 'of the most reaching duties of the Assembly was' that formulating and- approving the budget, an activity which provided an opportunity to give some direction to the work of the league 'and its affiliated bodies. Still another function of the Assembly was to admit new members. One of the most useful contributions of the Assembly to the day and age in which it dimply its provision: of-a forum for the discussion of international problems on the basis of free speech, many indeed were the international problems debated from its rostrum.

THE COUNCIL

The council was to be composed of nine states, of which five. The United States, The United Kingdom, France, Italy and Japan were to: be permanent members with the other four nonpermanent members selected by the Assembly. The rejection of the covenant by the United States left the organ) with only four permanent seats. Under the authority of Article-4 of the covenant, this provided that, "with the approval of the majority of the Assembly, the council may appoint additional members of the league whose representatives shall always be members of the council", Germany and Russia were given permanent seats during the periods when; they were? in the-league. Using a similar procedure, as authorized by the covenant the number of nonpermanent members; of the council was increased to six in 1922, to nine in 1926, to ten in 1933, and eleven in; 19361 By1939 there were a total of fifteen states in the council. At times there was lively competition for nonpermanent seats in the council and during the league's

history several states; Brazil, Spain 'and' Poland were miffed that they were not given permanent seats.

THE SECRETARIAT

The secretariat headed by Secretary-General was the chief administrative organ of the league. The international civil service which its staff constituted was made up of some 650 staff members. The complaint was common for a long-time tilt there were too many British, French 'and' Italian nationals within the secretariat and consequently, in 1932 the Assembly inaugurated reform measures that prevented too many nationals of any one state from holding posts at the same time. There were in the secretariat fifteen sections (Political legal, information, minorities, mandates, economic relations, etc.) eight administrative services (personnel office, publications service, internal services, registry, direction of personnel and internal administration, documents service, stenographic service and secretariat" of the staff pension fund) and a library all located at Geneva several auxiliary offices were maintained in other cities. The duties of the secretariat were many and varied. Among them were the following, registering and publishing treaties, and assisting in the drafting of the agenda of the council. Assembly and other organs, providing secretarial services in those bodies; exercising custody over the records of the various meeting within the league, and publishing documents and other materials. There were not spectacular activities but they were most vital to the proper functioning of the organization.

THE FAILURE OF THE LEAGUE OF NATIONS

The International Consultative Group of Geneva published a careful analysis of "the conditions that had led to the league's downfall. The group expressed the opinion that "The failure of the United States to ratify and thereby become a member) was certainly that hardest blow to the new institution. It mentioned also the split which developed between them. France and Great

Britain, the tendency of "the latter "to pull away from Europe", the lack of Farsighted leadership in the nations, the problem of Germany, social discontent and "spiritual anarchy". TNs stress by the group upon adverse attitudes and conditions within the states rather "than upon organizational inadequacies appeared quite convincing in view of the fact that the league had, and could have, little life other than imparted to it by the nations which were its members.

The Machinery of the league of Nations could be criticized for many points its voting methods, its lack of effective sanctions, the right of members to withdraw, and so on whether these weaknesses could have been eliminated by members devoted to power politics and often seething with economic and political unrest in doubtful, and even; had. the defects have been eliminated on paper, it is not certain that the nations could have fitted themselves into the more powerful-world organization that would- have resulted. In his last days President Wilson expressed the view that the league had failed in the senate because "The American people were not ready for it". As the United States contributed to the downfall of the league from the outside, so did many of its members from the inside. The world as a whole did not appear ready for it¹³

1.12 World War II

The United Nations arose on the ashes of the League of Nations. The failure" of the "League" to prevent war and to promote peace strengthened the conviction of the people all over the world that an effective system of collective security was absolutely essential by this time' even the 'United States of America was willing to enter a system of collective security. However, no effort was made to revive the league of Nations' and it was decided to start all over again. Some of the important meetings and conferences, ultimately led to the establishment of the United Nations.

¹³ International Consultative group of Geneva. 'Causes of the Peace Failure, 1919-1939 International conciliation, No. 363 Oct-1940.

1.13 St. James Palace Declaration (June 12, 1941)

The first step toward this world's most prestigious democratic organization was taken by the time Exiled government in London (Greece, Belgium, Czechoslovakia, Luxembourg, Netherlands, Norway, Poland, and Yugoslavia). 'Gen'. De. Gaulle of France was also there and the U.K., Australia, New Zealand and South Africa also expressed their desire to establish peace in the world and signed a declaration on 1 June 1941 at St. James Palace expressed in writing.

1.14 The Atlantic charter-(August 14, 1941)

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1.15 The Declaration of the United Nations- (January 1, 1942)

This declaration was issued after a few weeks after the Pearl Harbor incident. In this declaration, which was signed 'on new year's Day by Roosevelt, Churchill Litvinov, and song for' 'their respective governments and by the representatives of twenty-two Other states on the following day, the signatories pledged all their recourses in the common struggle against their enemies until complete victory was won. This declaration was later on signed by other states also who entered the side of the United Nations.

1.16 The Casablanca Conference (Jan. 1943)

In January 1943, Prime Minister Churchill and President Roosevelt met the French representative in the city of Casablanca in North Africa to plan the invasion of Italy and Sicily. They agreed on a formula of Unconditional surrender talked over terms of peace and discussed the role of the respective countries in the post-war period.

1.17 The Moscow Declaration (Oct 30-1943)

The Moscow declaration of October 30, 1943 Signed by Molotov for the Soviet Union, Eden for Great Britain, Hull for the United States, and Chiang Kai-shek for China, was probably one of the most important steps in the direction of forming the U.N. By this declaration the four Great powers declared that they recognize the 'necessity of establishing at the earliest practical date a general international organization, based on the principle of sovereign equality of all peace-loving states and open to membership by all such states, large and small, for the maintenance of international peace and security.

1.18 The Tehran Conferences (Nov. 1943)

President Roosevelt, Prime Minister Churchill, and Premier Stalin met in Tehran and issued a joint statement on Dec. 1, 1943. by which they accepted the supreme responsibility to make a peace that will command the goodwill of the overwhelming mass of the people of the world and banish the scourge and terror of war for many generations. They further sought the cooperation and active participation of all nations, large and small whose peoples in heart and mind were dedicated to the elimination of tyranny and slavery, oppression, and intolerance.

1.19 The Bretton Woods Conference (July 1944)

The representatives of Forty-four nations, acting on the assumption that no peace could last if economic and financial chaos prevailed met at San Francisco and drew up an agreement by which

(a) The International Bank for reconstruction and development.

(b) The International Monetary Funds were established. Both these agencies are now, actively functioning as specialized agencies of the United Nations

1.20 The Dumbarton Oaks Conference (Aug-Oct 1944)

The Oaks conference held in Washington from Aug-21, 1944-to Oct. 7, 1944, was the next major step in the development of the United Nations charter. The proceedings of the conference can broadly be divided into two phases. In the first phase, representatives of the United States/the United Kingdom and the Soviet Union conferred premix weeks on the main outlines, of the proposer international organization. In the second phase, the representatives of the Soviet Union were dropped and replaced by those of China. The proposals for the establishment of a General International Organization were published on Oct. 9, 1944 and were sent to all the other United Nations governments for review. These proposals can very well be considered the first draft of the United Nation charter. However, they were briefer than the final charter, particularly in respect to economic and 'functional organization. However, the two documents basically resembled each other.

1.21 The Yalta Conference (Feb. 1945.)

The question of voting procedure in the Security Council which remained unsolved at Dumbarton Oaks was taken up at the Yalta conference held in February 1945 and was discussed there by President Roosevelt,' 'Prime Minister Churchill, and Marshal Stalin. These powers also drafted plans for the Occupation and control of defeated Germany and for-keeping order in liberated Europe. The veto formula later embodied in the U.N. charter was also finalized at the Yalta Conference. Finally, it was decided to hold a full- Scale United Nations conference to Convene in san Francisco on April 25, 1945.

1.22 Mexico city Conference (Feb-March-1945)

The Representatives of twenty American republics met in Mexico and discussed questions of inter-American defense and cooperation. They reached a far-reaching understanding of the defense of America and prepared for the forthcoming San Francisco conference.

1.23 The San Francisco Conference (April-June-26 1945)

In accordance with the Yalta Schedule, 46 governments sent delegates to San Francisco and four additional governments were invited subsequently. The 282 delegates included foreign ministers Eden and Molotov and secretary of state Acheson as well as the foreign ministers of the lesser countries. These delegates brought with them some 1,444 assistants. The International Secretariat, consisting primarily of American Government Officials and professors topped 1,000. The world's press and radio services sent 2,636 of their leading writers and commentators to tell the story of the conference as it unfolded.

BIRTH OF THE UNITED NATIONS - (OCT. 24, 1945)

Two months of negotiations at San Francisco resulted in agreement by the participating nations to a document consisting of 19 chapters and 111 articles. The governments specified the purposes for which they were joining together accepted obligations, and created machinery for international collaboration and the process by which it would function. They also placed limitations upon the organization, two steps to guard their sovereignty, reserved to themselves the right to withdraw and anticipated the need for the review and probable modification at another constitutional conference. Appended was the "statute of the international court of Justice" of 5 chapters and 70 articles, all of which was considered an integral part of the charter.

The United Nations charter was signed on June 26, 1945. The charter came into force on Oct. 24, 1945 by which time China, France, Russia, the United Kingdom, the United States and a majority of the other signatories had ratified the document. It was launched on the

perilous international seas on January 10, 1946 when the first session of the General Assembly commenced in London.

First plans were drawn up for an organization to maintain the postwar peace, it was clear that those countries primarily responsible for the conduct of the war against the Axis would occupy a “special” position within the new organization. It came to be realized, however, that any plan concentrating the power to maintain peace exclusively in their hands was unlikely to prove attractive to other nations. As a result, it was decided that the Security Council, the body primarily responsible for maintaining international peace and security should include a number of elected nonpermanent members representing the interest of all states in the preservation of peace.¹⁴ At the same time, the “Big Three” - The Soviet Union, the United Kingdom, and the United States - were expanded to the “Big Five.” Although skeptical of Roosevelt’s views of China’s ability to play a major role in the postwar world, Churchill and Stalin accepted the inclusion of China as one of the states that was to have a special position in the new Organizations. Churchill’s insistence upon including France among this small elite group was accepted with somewhat similar skepticism by Roosevelt and Stalin as to the postwar position of France.¹⁵

Delegates assembled at San Francisco to adopt the Charter of the United Nations, they were faced with an agreement among the major powers that the Security Council of the new Organization should be composed of five permanent members and six members to be elected by the General Assembly. Although various proposals were made to modify the provisions regarding the composition of the Council, only one - concerning criteria for the election of non permanent members - was adopted.

¹⁴ Hilderbrand RC (1990) Dumbarton Oaks: The Origins of the United Nations

¹⁵ Leland M. Good Rich, "Charter of the United Nations", published by Colombia University Press, New York, (1969), p. 193

PERMANENT MEMBERSHIP

The Charter lists the permanent members of the Security Council as the “Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.” At the San Francisco Conference, it was suggested that a phrase be added identifying the permanent members as those “having the greatest responsibility for the maintenance of peace” to justify the special position accorded them, but this suggestion was rejected.

The Charter also effectively blocks the development of a class of semi- or quasi permanent Council members by declaring that no retiring member is eligible for reelection to the Security Council. The guarantee of continuous membership in the Security Council is only one of the prerogatives accorded to the “permanent members” under the Charter. The concurrence of all five of them is, with few exceptions, needed before the Security Council can make any substantive decision¹⁶. No amendment to the Charter can become effective unless ratified by all the permanent members¹⁷. Indeed, the Charter itself could not come into force until all five had deposited their instruments of ratification. The special position of the permanent members with regard to the maintenance of international peace and security is further emphasized in other articles. They alone are members of the Military Staff Committee¹⁸. As a “transitional” arrangement¹⁹, these five powers were to “consult” with a “view to joint action on behalf of the Organization” for maintaining peace until the time when the entry into

¹⁶ Article 27 of UN Charter available at <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf> viewed on 3rd March 2022.

¹⁷ Article 108 and 109 of UN Charter available at <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf> viewed on 3rd March 2022.

¹⁸ Article 47 of UN Charter available at <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf> viewed on 3rd March 2022

¹⁹ Article 106 of UN Charter available at <https://treaties.un.org/doc/Publication/CTC/uncharter.pdf> viewed on 3rd March 2022

force of arrangements under Article 43 enabled the security Council to exercise its responsibilities under Article 42.

ELECTION OF NON-PERMANENT MEMBERS

At the San Francisco Conference there was widespread interest in criteria for selecting the nonpermanent members of the Security Council. The Latin America States, almost without exception, sought to assure the adequate representation of their region either through a “permanent” seat or a definite allocation of the non permanent seats. Others, such as Egypt and the Philippines, also favored some form of regional representation. Still others, some of the Western European states and some of the Commonwealth Members, sought to protect the position of the so-called “middle powers” by linking the distribution of Council Seats to the distributions of states to the maintenance of peace. Possible criteria considered during the discussions at San Francisco included the following;

Geographical distribution, rotation, contribution of the members of the Organizations towards the maintenance of international peace and security and towards the other purposes of the Organizations, guaranties concerning the active defense of international order and means to participate substantially in it, Combinations of elements including population, industrial and economic capacity, future contributions in armed forces and assistance pledged by each member state, contributions rendered in the second World War, and so on; also special assignment of non-permanent seats to certain groups of nations.²⁰

DISTRIBUTION OF NON-PERMANENT SEATS

THE PATTERN ESTABLISHED AT THE FIRST SESSION OF THE GENERAL ASSEMBLY FOR THE DISTRIBUTION OF NON PERMANENT SEATS IN THE SECURITY COUNCIL WAS AS FOLLOWS: TWO FOR LATIN AMERICA AND ONE EACH FOR THE COMMON-WEALTH, WESTERN EUROPE, THE MIDDLE EAST, AND EASTERN EUROPE. THIS DISTRIBUTION WAS IN PART THE RESULT OF A “GENTLEMAN’S AGREEMENT,” THE EXACT NATURE OF WHICH HAS BEEN THE SUBJECT

²⁰ UNCIO, Documents, XI 676-77

OF CONTROVERSY. IT WAS DECIDED TO INCREASE THE NUMBER OF NON PERMANENT MEMBERS FROM SIX TO TEN. IN ITS RESOLUTION APPROVING THIS AMENDMENT TO THE CHARTER, THE GENERAL ASSEMBLY DECIDED THAT THE SEATS SHOULD BE ALLOCATED AS FOLLOWS” FIVE FOR AFRICA AND ASIA; ONE FOR EASTERN EUROPE; TWO FOR LATIN AMERICA; AND TWO FOR WESTERN EUROPEAN AND “OTHER STATES.” ON DECEMBER 10, 1965, THE GENERAL ASSEMBLY HELD ITS FIRST ELECTIONS UNDER THE AMENDED ARTICLE 23. IT CHOSE ARGENTINA, BULGARIA, JAPAN, MALI AND NIGERIA FOR TWO YEAR TERMS, AND NEW ZEALAND AND UGANDA FOR ONE-YEAR TERM.

REPRESENTATION

Each Member of the Security Council shall have one representatives. This is similar to the provisions for representation in the other two Councils and contrasts with the five representatives each member is allowed in the General Assembly. The Council's Provisional Rules of Procedure require that the credentials of a representative be communicated to the Secretary - General "not less than twenty-four hours" before the representative takes his seat on the Council. An exception is made for the heads of government and ministers of foreign affairs, who may sit on the council without having submitted credentials. In 1950 the Rules were revised to add a requirement that "credentials shall be issued either by the Head of the State or of the Government concerned or by its Minister of Foreign Affairs"²¹

Functions and Powers

Article 24 establishes the basic principle of the "primary responsibility" of the Security Council for the maintenance of international peace and security. By the term of this article, members not only "confer" this responsibility on the Council but agree that in carrying out its duties the Council "acts on their behalf". Any decisions of the Security Council taken in discharge of its responsibilities must, therefore, be considered as action taken by the Organization as a whole. All members share in any responsibilities the Council assumes and all are subject to any obligation it imposes. Decisions of the Council apply equally to any obligation in favor and those voting against, as well as to those members which, not being represented on the Council; have no opportunity to vote at all. This point has been of Special concern to some of nonpermanent council members.

PRIMARY RESPONSIBILITY

²¹ Rule 15

The “Primary responsibility” for the maintenance of international peace and security upon the Security Council, the founders of the Organization recognized that organ as best fitted, by virtue of size and composition, to insure “prompt and effective action”. This effort to associate responsibility with power was viewed by many as one of the major advances of the Charter of the United Nations over the League system, in which the powers of the Council and the Assembly were largely identical. At the San Francisco Conference, numerous attempts were made to diminish the primacy of the Security Council, principally through enlarging the powers and responsibilities of the General Assembly and regional organizations. In both respects, provisions were added to the Charter spelling out these responsibilities in greater detail, but the primary position of the Council, particularly with regard to enforcement measures, remained intact, the Text of Article 243 corresponds to the Dumbarton Oaks draft with the single addition of a paragraph requiring the Council to submit reports for the consideration of the Assembly.

GENERAL POWERS

“Specific powers granted to the Security Council” are laid down in chapters VI, VII, VIII and XII of the Charter. This statement raises the question whether the Council has these powers only or whether it may exercise such other powers, consistent with the purposes and principles of the Charter, as are necessary for it to discharge its responsibilities. The latter, more liberal interpretation has been generally accepted.

The general powers of the Security Council came up the first time the Council was called upon to consider a matter relating to the maintenance of international peace and security. The specific question was whether the council could retain on its agenda the complaint by Iran against the Soviet Union despite a request by Iran that it be removed. The restricted interpretation of the Council’s powers, as most fully developed in a memorandum by the Secretary-General, was that the Council could not retain its jurisdiction over the question in the absence of a specific

exercise by the Council of its powers under Chapter VI. The majority of the Council members took a much broader view. The representative of Mexico, for example, held that Article 24 “invests the Council with implied power wider in scope than the specific powers” enumerated in paragraph 2 of that article.

LIMITATION ON POWERS

The Security Council “shall act in accordance with the Purposes and Principles of the Charter”. The reference here is to the specific provisions of Article 1 and 2 of the Charter. The San Francisco Conference, various attempts were made to restrict the powers of the Council even further. Norway sought to alter the terms of Article 24 (2) so as to require the Council to act not only in accordance with “the purposes and principles of Charter” but also in accordance with the “provisions of the Charter, and the consideration that no solution should be imposed upon a State of a nature to impair its confidence in its future security or welfare.” This proposal was defeated, as were more indirect efforts to limit the powers of the Council, such as the introduction of a definition of aggression, and the proposed alteration of Article 1 (1), which would have made the phrase “in conformity with the principles of justice and international law” apply not only to the functions of pacific settlement but also to any action taken with regard to threats to the peace, breaches of the peace, and acts of aggression.

REPORTS TO THE GENERAL ASSEMBLY

The Security Council has the primary responsibility for the maintenance of international peace and security; it is obligated to render an account to the General Assembly of the measures it takes in this regard. The Dumbarton Oaks Proposals recognized the right of the Assembly to receive such reports. At the San Francisco Conference, the statement of this function of the Assembly was expanded and the obligation of the Security Council reiterated by the addition of paragraph 3 to Article 24. The annual reports of the Security Council merely summarize the

activities of the Council and in practice are not even discussed by the Assembly. It is not clear whether “special reports” are to be submitted when considered “necessary” by the Security Council or by the General Assembly. The only special reports the Council has submitted have been in connection with the admission of new members. Even when the Council has considered a matter at the instigation of the General Assembly, it has not considered it necessary to render a special accounting to the Assembly, although on occasion it has requested the Secretary General to transmit to the Assembly the records of its discussions.

BINDING FORCE OF DECISIONS

The United Nations under Article 25 are the direct consequence of the authority conferred on the Security Council under Article 24. If members agree that the Security Council, in discharging its “primary responsibility” for the maintenance of international peace and security, acts on their behalf, it is logical that they should also agree to accept and carry out decisions taken by the Council in discharge of that responsibility.

At San Francisco, Belgium sought to limit the obligations of members to those decisions taken by the Security Council in exercise of its powers under Chapter VI, VII and VIII of the Charter. Considered unduly restrictive by some delegates, this proposal failed to obtain the necessary two-thirds majority vote.²² During the debate in the Security Council on the Statute for the Free Territory of Trieste, the Security General cited the rejection of the Belgian amendment to support the conclusion that members were obligated to accept and carry out decisions of the Council, whether taken in accordance with its general or specific powers

VOTING – Article 27

²² UN Doc A/c 1 /867, Sept. 24, 1962

Each member of the Security Council shall have one vote is a usual one and has not been the occasion of any controversy. The special interest of Article 27 and its highly controversial nature arise from the provision of paragraphs 2 and 3 which determine voting procedure and provide that in votes on nonprocedural matters, different consequences attach to the votes of permanent and nonpermanent members. Any one of the permanent members can prevent a decision from being taken on a nonprocedural matter, subject only to the qualification that a party to a dispute must abstain from voting.²³

The justification for it at the time the Charter was adopted was the special responsibility assumed by and placed upon the major military powers for the maintenance of international peace and security. Efforts to reduce the special voting privileges of the permanent members at San Francisco failed because the major military powers made these the firm conditions of their participation in the United Nations.²⁴

At San Francisco, serious criticism was directed against the Sponsoring Governments proposals, particularly the third paragraph requiring great power unanimity for substantive decisions. Numerous amendments were proposed by other governments participating in the Conference which had as their purpose to restrict the so-called “veto power” of a permanent member.²⁵

A list of questions was prepared by representatives of members of the subcommittee other than the Sponsoring State, and was submitted to the latter for their answers. Their discussion extended over a two-week period. A direct appeal to Marshal Stalin in Moscow was necessary before agreement was reached that the veto would not apply to a decision to consider and

²³ UN Security Council: A Veto Player Analysis. In *Multilateralism and Security Institutions in an Era of Globalization*, New York, NY: Rutledge. (1958) Part III p 232

²⁴ Postwar Security by Robert C. Hilderbrand, *The J Modern Hist* 64: 771-773. P. 545

²⁵ UNCIO, Documents, XI, p. 774-78

discuss a dispute or situation. The Soviet Union insisted firmly that the requirement of concurrence of the permanent members should apply to the preliminary question whether a decision was on a procedural or nonprocedural matter. The four-power agreement took the form of a statement by the Sponsoring Governments with which France associated itself. It did not address itself directly to the specific questions that had been raised by the other delegates. The agreed statement was presented to the subcommittee by the United States delegate on June 8, 1945.

DECISIONS

Decisions of the Security Council shall be taken by “an affirmative vote of seven members”. This differed from the requirement for General Assembly decisions of a majority or two-third majority of the members present and voting, and for decisions of the Economic and Social Council and the Trusteeship Council of a simple majority of those present and voting. The Security Council requirement was introduced originally to insure that the support of at least two nonpermanent members would be necessary to a decision. With the increase in the size of the Council, the support of at least four nonpermanent members becomes necessary. The Council participates with the General Assembly in fixing the date and place of meeting of a General Conference to review the Charter, it takes its decision by a vote of any seven members. According to Council precedents, this would not be considered a procedural question and the vote prescribed must be regarded as an exception to the requirements of Article 27. A second exception occurs in connection with the election of judges of the International Court of Justice. When the Council is performing that function, along with the General Assembly, an absolute majority of votes is required for election. Furthermore, it is specifically stated that no distinction is to be made between permanent and non permanent members. The number of votes required to constitute an “absolute majority” has not thus far been in doubt as voting has always taken place with all members of the Council present. It would appear to be consistent

with the interpretation given to the phrase at San Francisco to require an absolute majority of the total membership.²⁶

NON MEMBER PARTICIPATION - ARTICLE. 31

a) System of Participation

Rule 37 of the Provisional Rules of Procedure is worded almost identically with Art.31 of the Charter. According to these provisions, a non-member of the SC may participate in the deliberations of the Council if its interests are 'specially affected'. The literature so far seems to have assumed that no right to participation can be deduced from these rules, but this opinion stands on a weak legal foundation.

Rule 39, the SC is empowered to extend the right of participation in its deliberation to members of the Secretariat or to other persons, provided it considers that it may obtain information or other assistance for the discussion of measures within its jurisdiction by doing so. The provisions laid down in the Headquarters Agreement of 1947 indicate that the host state does not, as a rule, enjoy the right to deny entry to persons authorized by the SC on the basis of domestic immigration rules.

b) Pre-conditions to Participation

Art. 31 of the UN Charter only permit member states of the UN to participate in the discussion of the SC; non-members are invited to participate only when they are parties to a dispute (Art.32). The only pre-condition to participation under Art.31 consists in the requirement that the interest of the State concerned are, in the view of SC 'specially affected'. It is obvious that this wording will be open to interpretation in each individual case; the potential effects of a war in the nuclear age, for instance, highlight the relative character of the formula chosen in Art.31.

²⁶ Shabtai Rosenne. "The Law and Practice of International Court of Justice", published by Leyden Sijthoff, (1965), pp. 180-81.

In the light of the wording of Art.31, it might be argued that a State is not 'specially affected' if the consequences of a SC resolution touch upon fundamental interests of the international community as a whole. However, the practice of the SC has so far been to assume that the right of the State to participate is not diminished by the fact that other states of a region or continent are affected in the same manner. In addition to questions about the specific effect upon a state and about the distinctions between the respective situations of the individual state and the other states, there exists a question about the degree of intensity to which the interests of a state must be affected. To a certain extent, the wording of Art.31 avoids problems of interpretation in this context by allocating the power to decide 'such manners' exclusively to the SC.

c) Procedure of Participation

The initiative for the participation of a non-member can be taken either by the SC or by the State affected. No duty to participate on the part of the State invited by the SC can be deduced from the Charter. In practice, it will usually be the State affected which will make the request; in this case, the President of the Council will give notice of the application and will ask whether any objections are to be put forward. If no consensus exists in the Council, a vote on the request will follow. According to established, legally unobjectionable practice, this vote must be regarded as a procedural matter in which the right to veto is inoperative; in recent years the Soviet Union has not repeated its former view to the contrary.

INVITED MEMBER PARTICIPATION - ART. 32

a) Party to a Dispute

The rule lays down on the part of the SC to invite a non-member of the SC if it must be considered a party to a dispute; with regard to non-members of the UN, the special Rule in sentence 2 applies. The application of the term 'party to a dispute' has led to practical problems. The characterization of a situation as a dispute within the meaning of Art.32 will compel the

legal conclusion that the parties to the dispute are required to abstain from voting (Art.27 (3)); this is relevant whenever members of the SC are involved. Once it has been accepted that a dispute exists, the duty to negotiate and the jurisdictional rules enunciated in Chapter VI of the UN Charter will apply.

Construction would appear to be legally permissible and could facilitate a decision with regard to participation under Art.32 in the exceptional case. In practice, the J. X.A problems indicated here have been avoided by the Council in cases of doubt through reference to Art.31 instead of Art.32. This possibility for avoiding the constructive problems of Art.32, however, exists only where the participating states are members of the UN. In the case of non-members, whose participation is explicitly provided for in Art.32, participation on the basis of Rule 39 of the Provisional Rules of Procedure of the SC may at first sight offer an alternative. In the final analysis, this alternative is no solution, since the legal position of the State invited under Art.32 of the Charter is not identical to that of a person participating under Rule 39. Therefore, under these circumstances, the procedure indicated above, involving an explicit qualification on the right to participate and its attendant legal consequences might be preferable.

b) Participation by non member of UN

The participation of a non-member of the UN is at issue, there may be a controversy as to whether a state is involved or a non-state actor is involved. Art.32 of the Charter recognizes a right to participation in the deliberations, this legal situation may entail that, where a controversy exists over the statehood of the party concerned, the decision on participation under Art.32 may in some cases depend upon a judgment on the existence of a State. Thus, in 1948 the Council decided that, for lack of statehood, North Korea was to be invited not under Art.32 but under Rule 39. When Rhodesia filed an application to participate in 1966, the Council denied this request because of the illegality of the regime. When foreign troops invaded

Czechoslovakia in 1968, the Soviet Union filed an application for allowing the German Democratic Republic to participate; the majority of the members of the SC rejected this application with reference, even then, to the lack of statehood of the territory occupied by the Soviet Union in Eastern Germany. In practice, the problem of legal and political consequences of admission under Art.32 could be solved in part through the qualification of a vote in favour of participation with a statement to the effect that no recognition of the entry concerned as a state was implied.

VETO

Article 27 of the UN Charter allows the permanent members of the Security Council to quash any non-procedural draft resolution with their negative votes, irrespective of its level of international support and popularity. This power is referred to as the “veto power” of the Permanent Five although the word “veto” is never mentioned in the Charter. The initial reason for the inclusion of this power in the Charter was to prevent the UN to take direct actions against any of its principal founding members. This section illustrates how the use of veto power has become distant from that initial reason and how this power has turned into a tool for protecting national interests of permanent members or their strategic allies. This power has been responsible for the silence of the Security Council on some major international conflicts including the 2003 Iraq War, the 2008 conflict in Georgia, the 2009 massacre of Sri Lankan Tamils and the recent Syrian conflict. Although the issue of Israel-Palestine conflict is on the agenda of the Security Council, this body has not been successful in condemning the violence and settlement activities through issuing resolutions.

Trend of Use of Veto Power after the End of the Cold War

The first veto was cast in February 1946 by the Union of Soviet Socialist Republics (USSR) and since then the permanent members have used their veto power a total of 263

times. However, there has been a considerable decrease in the use of veto in the last twenty years so that since the end of the Cold War and dissolution of the Soviet Union, only 22 vetoes were cast. The period between 31 May 1990 and 11 May 1993 was the longest period without the use of veto²⁷. In general, during the 1990s not only in comparison with the previous decades but also in comparison with the following decade few vetoes were cast. From January 1990 to December 1999 only nine draft resolutions were vetoed while that number reached fourteen in the 2000s. As the result of the relatively sparing use of veto power, the number of resolutions passed by the UNSC in the course of the last twenty years has increased substantially. Before 1990, the UNSC would adopt an average of 15 resolutions each year. It has reached a substantial annual number of 62 resolutions in recent years²⁸. However, the following analysis of the use of veto power by each of the Permanent Five and the subjects of vetoed resolutions show although they vetoed fewer resolutions, the permanent members still use this power for the same reason, namely protecting their own interests or those of their allies as well as providing political cover for their strategic friends.

The Soviet Union (before it became the Russian Federation) used its veto power more than any other country. From 1946 to the time of its fall and the subsequent succession of Russia, this country vetoed a total of 119 resolutions. After Russia took the USSR's seat in the Council, it has used the veto power sparingly. So far Russia has blocked six resolutions, twice jointly with China.²⁹ As is provided in the table in Appendix I, Russia vetoed two

²⁷ Changing Patterns in the Use of the Veto in the Security Council, created in 2008, Global policy Forum Website http://www.globalpolicy.org/images/pdf/Z/Tables_and_Charts/useofveto.pdf, viewed on 23 February 2022

²⁸ 28 Table on Number of Security Council Resolutions and Presidential Statements: 1988-2009, created 4 March 2009, Global policy Forum Website, http://www.globalpolicy.org/images/pdfs/Number_of_Security_Council_Resolutions.pdf, viewed on 23 February 2022

²⁹ Changing Patterns in the Use of the Veto in the Security Council, http://www.globalpolicy.org/images/pdfs/Z/Tables_and_Charts/useofveto.pdf, viewed on 23 February 2022

resolutions on Cyprus while all other fourteen members of the Council voted in favour. Along with its extended interest in the Balkan region, this country vetoed a resolution on Bosnia and Herzegovina and after 2008 Russia-Georgia crisis, blocked the passage of a resolution that intended to extend the UN Observer Mission's mandate in Georgia and Abkhazia. Moreover, together with China, it did not let the Security Council condemn human right abuses in Burma and Zimbabwe; both these being important economic allies.³⁰

Since 1971 and after replacing the Republic of China, the People's Republic of China has used its veto power six times; four of them were exercised after the end of the Cold War. As mentioned above, China joined Russia in vetoing two resolutions which intended to condemn human rights abuses in Burma and Zimbabwe. Like Russia, China also had economic interests in these two countries. Burma is also politically important for China and its government is highly reliant on China for its current level of power. In addition to these two cases, in 1997 China vetoed a popular resolution which intended to authorize the deployment of observers to verify the ceasefire in Guatemala and in 1999 blocked a resolution regarding the extension of the operation of United Nations Preventive Deployment Force (UNPREDEP) in Macedonia. The reason for both of these negative votes was the political ties of Macedonia and Guatemala with Taiwan³¹. Therefore, China used its veto power as a political weapon to punish countries for recognizing Taiwan as an independent sovereign state. This intention is more evident for the case of Macedonia which just one month before that resolution established diplomatic relations with Taiwan.

The last time France and the United Kingdom used their veto power was in 1989 in a joint veto with the USA on the situation of Panama³². Therefore, these two countries

³⁰ Subjects of UN Security Council Vetos, created in 2009, Global policy Forum Website http://www.globalpolicy.org/images/pdfs/Z/Tables_and_Charts/vetosubj.pdf on 23 February 2022

³¹ *ibid*

³² *Ibid*.

have not vetoed any resolutions in the last 20 years. However, as I will discuss later, France used the threat of veto on several occasions to prevent a matter coming to the Council for voting.

Overall, the United States of America is the second most frequent user of veto power. More importantly, in the period after the end of the Cold War, it has become the most frequent user. This country has vetoed 83 draft resolutions since the establishment of the UNSC; 14 of them were cast after 1991. What is noteworthy is that out of these 14 resolutions 13 were related to Israel and through blocking them, the USA has provided political cover and protection for Israel, its strategic ally in the volatile region of the Middle East. The USA has been active in preventing the UNSC from adopting resolutions condemning Israeli settlement activities in East Jerusalem, asking for the withdrawal of Israeli forces from Gaza, calling the construction of security wall in the West Bank illegal and many other cases that involved condemnation of actions carried out by Israel³³. While explaining the current attitude of permanent members in avoiding frequent use of veto, Robert Hill admitted that there is an exception to that stance and that is “a category of Israeli resolutions that the US...because of domestic political reasons...will always veto”

For all of these thirteen resolutions, the USA was the only country which cast a negative vote (in some cases some of the members abstained as well but none of them joined the USA to vote against the draft resolution). Moreover, in three cases all other fourteen members of the Security Council supported the drafts. These facts illustrate the degree of political isolation of the USA regarding its stances towards Israel-Palestine conflict. It also demonstrates how the veto power enables a country like the USA to block popular resolutions, despite the unpopularity of its stance on that protracted conflict.

³³ Ibid.

In July 2002 and during a closed-door meeting, John Negroponte, the United States representative in the United Nations, provided a statement which resulted in the “Negroponte Doctrine”. He clearly stated that any draft resolution regarding the Israel-Palestine conflict must contain four elements, otherwise the USA would veto it. Drafts have to: (a) explicitly condemn the acts of terrorism, (b) condemn by name the three groups of al-Aqsa Martyrs' Brigade, the Islamic Jihad and Hamas that were responsible for suicide attacks, (c) appeal to all parties for a political settlement of the crisis and (d) demand the improvement of the security situation as a condition for any call for withdrawal of Israeli forces to their position in September 2000³⁴. No draft resolution has condemned Hamas, al-Aqsa Martyrs' Brigade, and the Islamic Jihad by name but there were some drafts that condemned the actions of both Israel and Palestine. They were, however, also vetoed by the USA.³⁵

After the end of the Cold War, there was only one resolution vetoed by the United States which did not concern the Israel-Palestine conflict. On 30 June 2002, the USA vetoed a resolution intended to renew the United Nations peacekeeping mandate in Bosnia. The American representative gave an assurance that the decision “was not directed at the people of Bosnia”. The US previously threatened to veto the resolutions related to the UN peacekeeping missions if its request for the exemption of American peacekeepers from jurisdiction of the International Criminal Court (ICC)³⁶ were not met. The veto of the aforementioned resolution happened in order to materialize those threats³⁷. That action put

³⁴ “The Negroponte Doctrine” concerning UN Security Council Resolutions on the Middle East, created 6 October 2003, United States Mission to the United Nations Website, <http://web.archive.org/web/20031224063630/http://www.un.int/usa/03jdn-me1006.html> viewed on 23 February 2022

³⁵ As an example refer to S/2006/878

³⁶ Kanya D'Almeida, Dead Peace Process Could be "National Suicide" for Israel, created 16 February 2011, Inter Press Service News Agency, <http://ipsnews.net/news.asp?idnews=54507.html> viewed on 23 February 2022

³⁷ Nations Security Council, Security Council Rejects Draft Proposing Extension of United Nations Mission in Bosnia and Herzegovina, Security Council Press Release SC/7438, <http://www.un.org/News/Press/docs/2002/SC7437.doc.html>, viewed on 23 February 2022

pressure on the UNSC members to later adopt a resolution which asked the ICC not to exercise its power over the actions of UN peacekeepers for a year.

However, it is important to note that the permanent members are increasingly aware of the unpopularity of casting a veto and it is one of the reasons they tend to minimise its use. It is reported that despite the pressure from the pro-Israeli lobby, Washington came “very, very close” to not vetoing anti-settlement resolution in February 2011³⁸. It was mainly because of the popularity of the resolution and the fact that Washington is aware of the adverse political consequences of vetoing a popular resolution. As John Langmore mentioned, the fact that China is sensitive to international opinions played an important role in this country not casting a veto on UNSC resolution 1973. That resolution authorised the international community to establish a no-fly zone over Libya. China along with Russia, Germany, Brazil, and India just abstained from voting. Robert Hill also explained that China still and on every issue loudly proclaims “the sanctity of sovereignty, the right [of a country] to manage internal affairs without external interference” but has become increasingly reluctant to use that mantra to vote down any resolution.

Therefore, nowadays and more than before the permanent members tend to lobby to prevent a controversial matter coming to the Council. In these cases, they would not need to use their veto and be seen as an impediment to the maintenance of international peace and security. However, it is not a big step forward. Nowadays, countries are increasingly using threats of veto to keep an issue off the agenda of the Security Council and in order to protect their international legitimacy.

“POCKET VETO”

³⁸ David Horowitz, How Palestinians will Use the GA to Advance Statehood, created 25 March 2011, The Jerusalem Post, <http://www.jpost.com/Opinion/Columnists/Article.aspx?id=213752> viewed, on 23 February 2022

As mentioned before, instead of casting a veto and attracting criticism, countries increasingly prefer to use the “pocket veto” (namely the threat of the use of veto). They use that threat either implicitly or explicitly, either in the private meetings of the Permanent Five or in the larger Council. On many occasions, they managed to reach their intended outcome and could keep an issue off the Council’s agenda or soften the language of a resolution. The examples of “pocket veto” are abound. In this section I will focus on some examples which concern important or very recent international conflicts.

Although France has not cast any vetoes after the end of the Cold War, it has threatened to use that power on several occasions. The most prominent example was the case of 2003 Iraq war when France’s threats to veto any resolution that would automatically lead to a war successfully prevented the United States, the United Kingdom and Spain to present a draft resolution to the Council seeking to authorise military action (although France could not eventually prevent them from attacking Iraq).³⁹ France also used the threat of veto recently. A non-violent protest in West Sahara was crushed by Moroccan forces in November 2010. France intervened to support its ally, Morocco. By threatening to use its veto, France could prevent the UNSC members from presenting a resolution to the Council to look into the crimes of the Moroccan military.⁴⁰

A careful analysis of the Security Council’s records shows that Russia and China are the two countries that have been relying on “pocket veto” more than other permanent members. Sri Lanka is an important ally of China and Russia and it is believed in the last phase of Sri Lankan civil war in 2009 many Sri Lankan Tamils were killed by the Sri Lankan army and the forces of Liberation Tigers of Tamil Eelam (LTTE). China and Russia

³⁹ Tarik Kafala, *The Veto and How to Use it*, created 17 September 2003, BBC News Website, http://news.bbc.co.uk/2/hi/middle_east/2828985.stm, viewed on 23 February 2022

⁴⁰ According to the Report of the Secretary-General Panel of Experts on Accountability in Sri Lanka published on 31 March 2011, “a number of credible sources have estimated that there could have been as many as 40,000 civilian deaths”.

managed well to keep that issue and an inquiry or a possible resolution on the crimes of the Sri Lankan army off the agenda of the Security Council. A search through press statements and meeting records of the Council shows that issue was not adequately discussed in the Council and apart from issuing a press statement about the situation of Sri Lanka in May 2009, the UNSC did not take any other actions. In a press statement issued on 13 May 2009, the members of the Security Council expressed “grave concern over the worsening humanitarian crisis” in Sri Lanka and called for “urgent action by all parties to ensure the safety of civilians”. While condemning the actions of the LTTE, they raised concerns over the Sri Lankan army’s use of heavy caliber weapons in the areas with high population of civilians and asked the government to “fulfill its commitment in that regard”⁴¹. Although the content of this press statement might sound powerful, it was the only action that the Council took. This inactivity of the Council is more unacceptable if the scale of that massacre is taken into consideration.⁴²

During the course of the conflict and its aftermath, Russia and China opposed the discussion of alleged violations in Sri Lanka (and considering they both are veto holders they have unusual power in blocking the discussion of some issues that are against their interests). The United Nations and its then Secretary-General, Ban Ki-Moon, were much more active regarding that conflict. The UN press releases shows that the Secretary-General on several occasions condemned the violence in Sri Lanka, raised concern about the humanitarian situation of that country and called on the Sri Lankan government to bring the conflict to an end. Moreover, a UN Panel of Experts was established and on 25 April

⁴¹ The United Nations Security Council, *Security Council Press Statement on Sri Lanka*, created 13 May 2009, United Nations Website, <http://www.un.org/News/Press/docs/2009/sc9659.doc.html> viewed on 23 February 2022

⁴² *Sri Lanka: UN Chief Should Establish International Inquiry*, created 25 April 2011, Human Rights Watch Website, <http://www.hrw.org/news/2011/04/25/sri-lanka-un-chief-should-establish-international-inquiry.html> viewed on 23 February 2022

2011 released a report on accountability with respect to the final stages of Sri Lankan conflict. Concluding that both the Sri Lankan army and the LTTE forces committed grave human rights abuses, that panel recommended establishing an international independent investigation into abuses during the armed conflict. However according to Human Rights Watch, Russia and China intervened again and on 18 April 2011 signaled their reluctance to have Ban Ki-Moon take further action on that matter. On the other hand, the Secretary-General personally is not very willing to order an investigation and wants the Security Council to take action; something that principally due to the strong opposition from two of the veto-holder members has reached an impasse.⁴³

The most recent example of the use of “pocket veto” by Russia and China is the situation in Syria and the opposition of these two countries to the issuance of any resolutions by the Council despite the bloody crackdown of Syrian military forces on pro-democracy protesters. The violence in Syria increased significantly to a level that even Russia reluctantly condemned it. Therefore, the European countries became hopeful that the revised version of the June draft could get enough support and would not get blocked by either (or both) of the veto holder countries of Russia and China. The new draft that was circulated in the Council in early August again intended to condemn the bloody crackdown of the Syrian protestors. However, the Russians once again opposed the draft. They said a resolution was too excessive and a Presidential statement would be “satisfactory”.⁴⁴ Russia was suspicious that any such resolution could turn out to be an initial step in a sequence, with calls for military action – should Syria not respond- next on the agenda. Russia blocked

⁴³ Jake Lynch, *War Crimes in Sri Lanka and Political Options for Australia*, created 4 August 2011, Crikey Website, <http://www.crikey.com.au/2011/08/04/war-crimes-in-sri-lanka-and-political-options-for-australia/.pdf>, viewed on 23 February 2022

⁴⁴ Margaret Besheer, *UN Security Council Again Considers Syria Resolution*, created 1 August 2011, VOA News Website, <http://www.voanews.com/english/news/middle-east/UN-Security-Council-Again-Considers-Syria-Resolution-126555493.html> viewed on 23 February 2022

a Western-led effort at the U.N. Security Council on Wednesday to condemn its deadly gas attack in Syria and push Moscow's ally President Bashar al-Assad to cooperate with international inquiries into the incident. It was the eighth time during Syria's six-year-old civil war that Moscow has used its veto power on the Security Council to shield Assad's government. In the latest veto, Russia blocked a draft resolution backed by the United States, France and Britain to denounce the attack in the town of Khan Sheikhoun and tell Assad's government to provide access for investigators and information such as flight plans.⁴⁵

Moscow was already concerned that NATO had, in Russia's view, exceeded the mandate given by United Nations Security Council Resolution 1973, on Libya. There, military action was provided for, to protect civilians, but Russian Prime Minister Vladimir Putin told reporters that "taking the side of one of the warring parties; [NATO] had committed a crude violation of the UN resolution".⁴⁶ So far, Russia and China have managed to block any resolutions. As they wanted, the Council merely published a Presidential statement⁴⁷ which condemned widespread violations of human rights against Syrian civilians, called for immediate end to the violence, and urged all sides "to act in utmost restraint". Reaffirming their commitment to the sovereignty and territorial integrity of Syria, the Council members called on the authorities to respect human rights and hold accountable those responsible for violence.⁴⁸

⁴⁵ Russia blocks UN's Security Council condemnation of recent Syria attack

<http://www.reuters.com/article/us-mideast-crisis-syria-un-vote-idUSKBN17E2LK> viewed on 10th April 2022

⁴⁶ Mary Dejevsky, *Putin attacks Britain and US for 'violating Libya resolution'*, created 12 November 2011, The Independent, <http://www.independent.co.uk/news/world/europe/putin-attacks-britain-and-us-for-violating-libya-resolution-6261163.html>, viewed 10 March 2022

⁴⁷ Unlike resolutions, a presidential statement needs unanimity. When India, the Council president for the month of August, read the text of the presidential statement, Lebanon that has a pro-Syrian government dissociated itself from that statement. The Lebanese delegate said the text of the statement did not help address the current situation of Syria. Therefore, although that statement was issued, it did not have the requisite unanimity.

⁴⁸ The United Nations Security Council, *Security Council, in Statement, Condemns Syrian Authorities for 'Widespread Violations of Human Rights, Use of Force against Civilians'*, created 3 August 2011, United Nations Website, <http://www.un.org/News/Press/docs/2011/sc10352.doc.htm>, viewed 10 March 2022

There are also some instances where the permanent members, Russia and China in particular, did not keep an issue off the agenda of the Council but managed to soften the language of the resolution issued by the Council. Iran's nuclear program is an example. Russia and China considerably affected the second resolution on that program which was issued in December 2006. It was the first punitive resolution which imposed sanctions on Iran. Because Iran has been one of the important trade partners of Russia and China, the language of the resolution eventually issued by the Council was much softer than the original draft and the imposed sanctions were lighter.⁴⁹

An analysis of all seven UNSC resolutions regarding the nuclear program of Iran shows that Russia and China did not even abstain from voting and always voted in favour of all of the resolutions. Considering their stance towards Iran, one can conclude that they supported the resolutions because the final drafts which came to the Council for voting were in accordance with their interests and were drafted with attention to what they wanted. However, the support of these countries for Iran has decreased over the recent years mainly because of the economic incentives of Western and Arab countries⁵⁰ as well as Iran's continuous defiance and its opposition to compromise⁵¹. However, there is still a strong chance that these two countries will veto any resolutions authorizing military action against Iran in the future or they will use the threat of a veto to prevent any such resolutions from materializing.

⁴⁹ *UN Passes Iran Nuclear Sanctions*, created on 23 December 2006, BBC World News Website, http://news.bbc.co.uk/2/hi/middle_east/6205295.stm, viewed 10 March 2022

⁵⁰ China is still a powerful country but the fact that one of the reasons for the shift in Russia's stance towards Iran has been economic incentives of some rich countries indicates that at least some of the permanent members of the Council are not the most powerful and stable countries of the world anymore. Therefore, some rich countries can dictate their own positions to them.

⁵¹ Julian Borger, Medvedev: Sanctions against Iran's Nuclear Program 'May be Inevitable', created 24 September 2009, Guardian Newspaper Website, <http://www.guardian.co.uk/world/2009/sep/23/nuclear-iran-un-gcc-sanctions.html>, viewed 10 March 2022

**INDIAN EFFORTS TO BAN PAKISTANI TERRORISTS IN UN GOES IN VAIN – ABUSE OF VETO
BY CHINA**

On June 24th 2015 China blocked an Indian bid to question Pakistan at the United Nations sanctions committee (per resolution 1267)⁵² over the release of Zaki-ur-Rehman Lakhvi, a commander in Lashkar-e-Taiba, an anti-India terror group, and a central planner in the November 2008 terror attack on Mumbai which claimed over 160 lives. Lakhvi was released on bail by a Pakistani court in April, a move that India alleged was in violation of resolution 1267. China's justification for blocking the Indian request—which sought clarification from Pakistan over Lakhvi's release—was that India “failed to provide enough information.” The move is the latest in a series of recent moves by China to block or stall Indian proposals on countering or sanctioning Pakistan-based terrorism.

China's move to block UN action is particularly remarkable given how reserved it has been in the past in being seen as the sole standout on an issue within the permanent five (P5) members of the Security Council. China's move was procedural within the UN sanctions committee, but it still stood in sharp opposition to the United States, the United Kingdom, France, and Russia—all of whom were ready to entertain the Indian proposal. China's effective “veto” on the matter should emphasize the extent to which Beijing is willing to publicly underwrite the Pakistani government's approach to terrorism

China has in the past blocked India's bids to get Jamaat-ud-Dawa (the political arm of Lashkar-e-Taiba in Pakistan) added to the United Nations Security Council's terror list three times (JuD was finally added to the sanctions list in December 2008). As leaked U.S. State Department

⁵² Why China Snubbed India on a Pakistan-based Terrorist at the UN available at <http://thediplomat.com/2015/06/why-china-snubbed-india-on-a-pakistan-based-terrorist-at-the-un/>

cables revealed in 2010, China placed “technical holds” at Pakistan’s request to block UNSC sanctions against Lashkar-e-Taiba and the al-Akhtar Trust (a charity front for Jaish-e-Mohammad, designated as a terrorist support organization by the United States). A similar “technical hold” was put in place in the case of India’s request to list Syed Salahuddin, a terrorist wanted in connection with numerous Hizbul Mujahideen attacks. Thus, China has a history of shielding Pakistan-based terror groups from sanctions under resolution 1267.

On March 31 this year, China, a veto-wielding permanent member of the UN Security Council, had blocked India’s move to get JeM chief Masood Azhar⁵³ designated a terrorist by the UN. Ties between India and China are set to take a hit after Beijing on Saturday said it has extended the decision to block New Delhi’s appeal to the United Nations to label Pakistan-based Jaish-e-Mohammed chief Masood Azhar a terrorist.

Beijing’s move to extend the “technical hold” imposed in April comes a day before it was to lapse, giving Azhar – an accused in the Pathankot Indian Air Force base attack in January – another six-month breather.

Earlier this year, China, in collaboration with Pakistan, had blocked India’s bid to ban Azhar. Reports then said 14 out of 15 countries were willing to designate Azhar but China, with its veto powers, took the decision to block the move.

Beijing’s decision – in the backdrop of the attack in Uri less than two weeks ago – brings into focus its stand on terrorism, on which, it has repeatedly said the West has “double standards”. Though Beijing argued on Saturday – as before in April – that its decision was based on facts

⁵³ China blocks India’s move to ban Jaish chief Masood Azhar, again available at <http://www.hindustantimes.com/india-news/china-extends-veto-on-india-s-move-for-un-blacklisting-of-jaish-chief-masood-azhar/story-Ut9sxWSJGQJb5Rc70cIweM.html>

and procedures, the latest decision brings into focus the close ties between China and Pakistan, who consider each other “all-weather allies”.

The above and previous examples show how the use of veto power has become distant from the initial reason it was included in the Charter. The actual use of veto or even the threat of its use can pressure other members of the UNSC to comply with the demands of the member who has that power. Therefore, the veto gives substantial power to France, the UK and to some extent Russia, who otherwise would not have much power. Robert Hill confirmed that the stance of each of the permanent members is important when a draft resolution is debated. Referring to the importance of North Korea for China or (at least until recently) Iran for Russia and China and the consequent delicate treatment of those issues by the Council, Robert Hill commented that “*the general direction [of the Council] at the moment is to go easy on the issues that are not of interest of some of the P5s*”⁵⁴

“UNITING FOR PEACE” RESOLUTION

It may seem that there is no preventive measure against the use of veto and limitless power of the permanent members. This is not the case. During the early phases of Korean War, the USA, concerned by the Soviet Union’s repeated use of veto power and fearing those actions might prevent the Council from protecting South Korea (considering that the USSR supported North Korea) took the matter to the General Assembly. With support from many countries the UN adopted a General Assembly resolution called “Uniting for Peace” in November 1950.⁵⁵ This resolution reaffirms it is important that the Security Council carries out its responsibility in maintaining international peace and security and that the permanent members limit their use of the veto power. This resolution further

⁵⁴ Personal Interview with Robert Hill, June 2011.

⁵⁵ David Horowitz, *How Palestinians will Use the GA to Advance Statehood*, The Jerusalem Post, created 25 March 2011, <http://www.jpost.com/Opinion/Columnists/Article.aspx?id=213752>, viewed 10 March 2022

recognises that the failure of the Security Council in fulfilling those tasks will not relieve the United Nations of “*its responsibilities under the Charter to maintain international peace and security*”. Therefore, when the permanent members of the Security Council find themselves at odds and fail to reach unanimity on a matter that appears to be a threat to international peace and security, this resolution authorises the General Assembly to immediately consider that matter and issue its own “appropriate recommendations” to the Member States “for collective measures”. Those collective measures can include “*the use of armed force when necessary*”.⁵⁶ Therefore, one can conclude that this resolution gives the GA final responsibility rather than secondary responsibility. It can be held as a way to bypass the Security Council and a means for the General Assembly to overrule the vetoes of the UNSC P5 members.

Although not frequent, this resolution has been applied during the GA’s history. One successful example of its application was in 1981 when South Africa was preventing the independence of Namibia. The General Assembly by using this resolution recommended sanctions against South Africa and assistance (including military assistance) to those who were fighting for Namibian independence. The resolutions passed by the GA using the provisions of “Uniting for Peace” are not binding (as none of the General Assembly resolutions are). However, because of their nature, these resolutions can carry more weight and can “press supportive countries to take actions”. It was what happened regarding South Africa. As Richard Schifter, the former US Assistant Secretary of State for Human Rights explains, the resolution on South Africa passed under “Uniting for Peace”

⁵⁶ United Nations General Assembly, *Uniting for Peace (1950)*, United Nations Official Documents, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/377%28V%29.pdf, viewed 10 March 2022

principles, “*was a significant step in the process of imposing sanctions on apartheid South Africa and de-legitimizing the country.*”⁵⁷

Therefore, bypassing the Security Council is not impossible. It can happen through the use of “Uniting for Peace” resolution or possibly, as was discussed before, through the concept of humanitarian intervention (although this issue is more controversial and has less support). However, many European and developing countries are reluctant to go through that path especially when a military intervention is involved. They are reluctant to consider such actions legitimate as they believe setting the Council aside, “*threatens the main rules that underpin international society*”.⁵⁸

The UNGA Resolution 377 or “Uniting for Peace” has been rightly used by Palestine. According to the UN, the recognition of a state is something that only other states can grant or withhold. Since the UN is not a state or a government it cannot recognize a state; it can only admit or not admit a state to its membership. In order to apply for the United Nations membership, a state has to submit an application to the Secretary General. Then the Security Council considers the application and if nine members out of the fifteen (including all Permanent Five) vote in favor, the Council through a resolution recommends the membership of that state to the General Assembly. In the Assembly a two-thirds majority vote is required for the admission.

After the impasse in peace negotiations and continuation of Israeli settlement activities, Palestinian officials decided to seek UN membership. Anticipating that the United States will veto any UNSC resolutions recommending the admission of the state of Palestine to the GA,⁵⁹

⁵⁷ Horovitz, *Palestinians to Advance Statehood*,

<http://www.jpost.com/Opinion/Columnists/Article.aspx?id=213752.pdf> viewed 10 March 2022

⁵⁸ Weiss, ‘Overcoming Security Council Reform Impasse’, p.31

⁵⁹ About UN Membership, United Nations Website, <http://www.un.org/en/members/about.shtml>, viewed 10 March 2022

they intended to use “Uniting for Peace” resolution and therefore bypass the Council and go straight to the GA. The experience of South Africa shows that Israel’s initial assumption that an overwhelming vote for the establishment of Palestinian state in the GA is merely declaratory is not true as under this Resolution the GA “has teeth”. As Horowitz discusses, the Israeli key players made the mistake of not effectively considering the different weight and “practical backing” that the “Uniting for Peace” can provide for the GA’s recognition of Palestine (although it cannot eventually confer the UN membership on the state of Palestine).

On 29 November 2012, the General Assembly adopted resolution 67/19 entitled “Status of Palestine in the United Nations”⁶⁰ with 138 votes in favor, 9 against and 41 abstentions. The resolution accorded to Palestine non-Member observer State status in the United Nations, marking the first time that the General Assembly considered Palestine to be a State. The rights and privileges of Palestine in the work of the United Nations remained the same as they were enhanced by resolution 52/250, which gave Palestine maximum rights without becoming a Member of the United Nations.

CONCLUSION

Above discussions highlight the inherent tensions in the global power systems. Edward C. Luck observes that, “Debates over the composition of the Council, as well as over the veto power of the permanent five, reflect the inherent tension between the founding goal of assuring the leadership and collaboration of the nation’s most capable of enforcing Council’s will and the norms of universality and representatives espoused by a growing and increasingly diverse membership.”⁶¹ Along with these tensions, the Council is devoid of unity among its members over many issues. Deliberations about a possible Security Council reform and expansion have

⁶⁰ About Palestine membership to UN <http://palestineun.org/wp-content/uploads/2013/08/67-19-Status-of-Palestine.pdf> viewed 10 March 2017

⁶¹ See Edward C. Luck, UN Security Council Practice and Promise, Routledge, 2006 at pg 20

also taken place among scholars, NGO's, think tanks and some even at UN level. Kofi Annan said, "Unless the Security Council can unite around the aim of confronting massive human rights violations and crimes against humanity...then we will betray the very ideals that inspired the founding of the United Nations."⁶² History shows that the SC has failed to keep its promise. Ingvar Carlsson's report found that the UN ignored evidence that genocide was planned and had refused to act once it began. However, an action without proper SC authorization threatens the international security system. The Council remained standstill when burning issues were lying on its table. Blame not only the Council but also the geo-politics. The world summit clearly laid out that the SC should be the first port of call whenever it comes to intervention. The need of the hour is not to drag the discussion about SC's failures to act but to find ways that will enable the decision-making process at the UNSC. Building institutional capacity is one of the keys to the successful maintenance of peace and security. The institutions should be developed for all three core goals: responsibility to prevent, react and rebuild.⁶³

⁶² See Carlsson's Report on Rwanda available at <http://www.preventgenocide.org/prevent/UNdocs/#carlsson>

⁶³ See Claire Applegarth and Andrew Block, Acting against Atrocities: A Strategy for Supporters of the Responsibility to Protect, Discussion paper #09-03, Belfer Center, John F. Kennedy School of Government, Harvard University, March 2009.

⁵⁴ See Claire Applegarth and Andrew Block, Acting against Atrocities: A Strategy for Supporters of the Responsibility to Protect, Discussion paper #09-03, Belfer Center, John F. Kennedy School of Government, Harvard University, March 2009.